Civil Review No. 9 of 2007

4.10.2007 Present: Mr. Dharamvir Sharma, counsel for the petitioners

Mr. R.M.Bisht, Dy. Advocate General for respondent No.1.

Mr. Ajay Mohan Goel, counsel for respondents No. 1 to 8 (original petitioners in the writ petition).

This review petition has been filed for recalling the order dated 26.2.2007 passed in CMP No. 1240 and 1359 of 2006, rejecting the prayer of the review petitioners for being impleaded as parties in the writ petition.

The order passed on 26.2.2007 is self-explanatory. It is apparent that the relief granted by the learned H.P. State Administrative Tribunal is only in favour of Santosh Kumar who had filed original application before the learned Tribunal. The writ petitioners are persons who were not parties before the learned Tribunal, but according to them they are directly affected by the order passed in favour of Santosh Kumar.

It may be true that the case of the petitioners is similar to that of Santosh Kumar. However, they have approached this Court directly instead of approaching the H.P. State Administrative Tribunal.

Shri Dharamvir Sharma learned counsel for the petitioners has laid great stress on the order dated 16.3.2006 passed by this court and has submitted that while passing the impugned order, we have not taken into consideration the

order dated 16.3.2006, the relevant portion of which reads as under:-

> "After hearing the learned counsel for the parties and having regard to order dated 26.10.2006, passed in CMP No.1468/2005, we are of the view that the order, January 9, 2006 deserves to be brought in line of order dated 26.10.2005, passed in CMP No.1468/2005. Accordingly, order dated January 9, 2006, is modified and we direct that promotion hereafter made shall abide by the result of this writ petition. We further direct that this order shall not prevent the respondent- State from considering the petitioners and other eligible persons for promotion. Application stands disposed of."

It is apparent that all that this court ordered was that the petitioners and other eligible persons would be considered for promotion. We cannot accept the plea of the applicants/petitioners that since they fall within the category of other eligible persons they are entitled to be impleaded as parties in this petition. The relief granted by the learned Tribunal is only in favour of Santosh Kumar. The said judgment is a judgment *in personam* and not a judgment *in rem*. The benefit of adding ad hoc service has been granted only to Shri Santosh Kumar. If the review petitioners want similar relief, they must approach the learned Tribunal for grant of such relief and cannot get the same by becoming parties in this writ petition.

The order of the learned Tribunal under challenge does not involve any matter of public interest. The writ petition involves a dispute between two parties. Since no public interest is involved, there is no question of impleading the applicants/petitioners as parties in the writ petition.

Therefore, in our opinion, there is no error apparent in the impugned order. The review petition is dismissed.

(Deepak Gupta), J.

October 4, 2007. (Surinder Singh), J.

s.